IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

: O R D E R :

State of Rajasthan & Another
Vs.
The Payment of Wages Authority & Others.
(S.B. Civil Writ Petition No.1354/1996.)

DATE OF ORDER : November 29, 2007

P R E S E N T

Hon'ble Mr. Justice Gopal Krishan Vyas

Mr. S.N. Tiwari, Dy. G.A.
Mr. D.K. Parihar for respondent No.3.

BY THE COURT :

Heard learned counsel for the petitioners.

The writ petition is directed against the judgment dated 09.02.1996 passed by the District Judge, Jodhpur in Civil Appeal No.140/1994 whereby the learned District Judge dismissed the petitioners' appeal with cost against the order passed by the Payment of Wages Authority dated 30.03.1994. By order dated 30.03.1994, the learned Payment of Wages Authority directed the present petitioners amounts of inter alia salary in the sum of Rs.6,500/- for the period commencing from 01.08.1986 to 17.02.1987 to the respondent workman.

I have perused the impugned judgment dated 09.02.1996 as well as order passed by the Payment of Wages Authority dated 30.03.1994.

It is manifestly clear that despite directions given by the learned Payment of Wages Authority, the petitioners did not produce the muster-roll for the relevant period and evidence led by the petitioners has also been found by the learned Authority not to be beyond doubt, therefore, the learned Payment of Wages Authority rightly drew adverse inference against the petitioners; and, on the basis of statements made before the Court on oath, the learned Payment of Wages Authority allowed wages to respondent No.3. In the facts and circumstances of the case, the learned appellate Court also found no good ground for interference in the conclusion reached by the learned Payment of Wages Authority. Upon concurrent finding of fact, this Court is not inclined to interfere in exercise of jurisdiction under Article

227 of the Constitution of India unless any material illegality or irregularity is pointed out.

The writ petition has no force. The same is hereby dismissed.

(Gopal Krishan Vyas) J.